

0822/000/092

1924

H



# REGULATIONS

ALBERTA ENERGY AND NATURAL RESOURCES  
LIBRARY

9th Floor, Petroleum Plaza S. Tower  
9915 - 108 Street  
Edmonton, Alberta T5K 2C9

GOVERNING

# GRAZING LANDS

IN THE

PROVINCES OF MANITOBA, SASKATCHEWAN, ALBERTA,  
AND IN THE PEACE RIVER TRACT IN THE  
PROVINCE OF BRITISH COLUMBIA

LIBRARY, ALBERTA AGRICULTURE  
7000 - 113 STREET, EDMONTON  
ALBERTA, CANADA T6H 5T6

GOVERNMENT OF THE PROVINCE OF ALBERTA  
DEPT. OF LANDS AND MINES

OTTAWA  
F. A. ACLAND  
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY  
1924

GRAZING

V/F





# GOVERNMENT OF THE PROVINCE OF ALBERTA

## DEPARTMENT OF LANDS AND MINES

Where in this form reference is made to any corporation, person, Act or thing mentioned in the first column of the Schedule hereunder written, such reference is deemed to be made to the corporation, person, Act or thing set out opposite thereto in the second column of the said Schedule.

### SCHEDULE B.

Governor General	Lieutenant Governor
Governor in Council	Lieutenant Governor in Council
Dominion Lands	Lands of the Province
House of Parliament	Legislative Assembly
Surveyor General	The proper officer appointed by the Lieutenant Governor in Council
Minister	The Minister to whom the duty is delegated by the Lieutenant Governor in Council
Ottawa	Edmonton
Department of Interior	The Department to which the duty is delegated by the Lieutenant Governor in Council
Secretary of State for Canada	The Provincial Secretary
Director of Forestry	The proper officer appointed by the Lieutenant Governor in Council
The Expropriation Act	The Public Works Act
Dominion Land Surveyor	Dominion Land Surveyor or Alberta Land Surveyor

REGULATIONS

GOVERNING

GRAZING LANDS

IN THE

PROVINCES OF MANITOBA, SASKATCHEWAN, ALBERTA,  
AND IN THE PEACE RIVER TRACT IN THE  
PROVINCE OF BRITISH COLUMBIA

Amendments and Additions to these Regulations  
since they were established  
April 12th, 1922.  
-:-:-:-:-

Clauses 2 and 15 are amended to read as follows:-

(2) No person or company shall acquire under lease under these regulations, by original grant or by assignment more than 25,000 acres.

A person or company already holding lands under lease acquired under any prior regulations shall only be entitled to acquire under these regulations, by original grant or by assignment, a sufficient area to bring the total acreage held by such person or company to 25,000 acres.

In the case of lands held under lease under the regulations established by Order in Council of February 16, 1914, and rescinded by Order in Council of April 12, 1922, a person or company shall only be entitled to acquire by assignment a sufficient area of such lands to bring the total acreage held by such person or company to 25,000 acres.

In the case of leases held under regulations prior to February 16, 1914, such leases may be assigned irrespective of the area already held under lease by the assignee.

In the case of any lease held under these or prior regulations where the leasehold comprises more than 25,000 acres, such lease may be assigned irrespective of the area thereof or of the area held by the assignee.

(15) The lessee of four sections or more may construct buildings and corrals and make other improvements on 320 acres of his leasehold, not necessarily in one unit, but shall not be deemed to have any vested rights in such land but in the improvements only. In the event of the department discontinuing the principle of granting grazing leases on Dominion Lands the lessee shall have the prior right to purchase the 320 acres on which his improvements are located at a price, to be fixed by the Minister, of not less than \$5.00 per acre.

An additional clause has been inserted, as follows:-

(1) (d) The Minister of the Interior is authorized to issue twenty-one year grazing leases on vacant Dominion Lands unfit for agricultural purposes in the Provinces of Saskatchewan and Alberta in districts which are not suitable for farming; and also renewal twenty-one year leases covering lands in said districts now held under lease on condition that, upon inspection by an officer of the Department of the Interior, the lands affected are found to be unfit for agricultural purposes, and that the lessee is utilizing the leasehold to its full extent for stock grazing purposes.

## REGULATIONS

### GOVERNING GRAZING LANDS IN THE PROVINCES OF MANITOBA, SASKATCHEWAN, ALBERTA AND IN THE PEACE RIVER TRACT IN THE PROVINCE OF BRITISH COLUMBIA

*(Established by Order in Council of April 12, 1922, and subsequent Orders in Council.)*

(1) (a) Grazing leases of vacant Dominion lands unfit for agricultural purposes in the provinces of Manitoba, Saskatchewan and Alberta, and in the Peace River Tract in the province of British Columbia, controlled by the Dominion Government, may be issued to British subjects by birth, naturalization and repatriation, covering a period of ten years. The lands covered shall not be open to sale, homestead entry or other disposition during the continuance of the lease. Companies making application for leases must show that they are incorporated under the laws of the Dominion of Canada, or under the laws of any province of the Dominion, and that the president, vice-president and a majority of the directors are British subjects. In the granting of leases, preference shall be given applicants who own adjoining lands.

(b) Grazing leases may also be granted on vacant Dominion lands, irrespective of the quality of the soil, located over forty miles from a railway, on the condition that the lease may be cancelled, or any portion of the leasehold withdrawn from the operation of the lease, on giving the lessee one year's notice in writing, after the lease has been held three years and after a railway has been graded and the rails laid within forty miles of the leasehold.

(c) Grazing leases may be granted on vacant Dominion lands, unfit for agricultural purposes, which are unsurveyed, but which are located sufficiently close to surveyed territory to enable the Department of the Interior to describe the same by section, township and range. In unsurveyed districts situated a considerable distance from subdivided territory such leases may only be granted provided the applicant will have a survey of the tract made at his own expense by a Dominion land surveyor, under instructions from the Surveyor-General, the plan and field notes of such survey to be deposited on record in the Department of the Interior.

(2) No person or company shall acquire under lease under these regulations, by original grant or by assignment, more than 12,000 acres.

A person or company already holding lands under lease acquired under any prior regulations shall only be entitled to acquire under these regulations, by original grant or by assignment, a sufficient area to make the total acreage held by such person or company 12,000 acres.

A person or company may, however, acquire by assignment, irrespective of the area already held, any leasehold or portion thereof held under regulations prior to February 16, 1914, but where leaseholds acquired under regulations prior to February 16, 1914, have been brought under the operation of the regulations established by Order in Council of February 16, 1914, a person or company shall only be permitted to acquire by assignment a sufficient area of such lands to make the total acreage held by such person or company, 12,000 acres.



A person or company shall, however, be permitted to acquire by assignment a leasehold originally acquired under any prior regulations which comprises more than 12,000 acres.

(3) All applications for grazing lease must be made on the official form direct to the Agent of Dominion Lands for the district in which the lands applied for are situated, and must be accompanied by an amount equal to the rental for six months. Upon such application being received by the Agent the lands applied for, if available, shall be withdrawn from sale, homestead entry or other disposition until such time as it is decided to grant or refuse a lease. Forms of application may be secured from any Agent of Dominion Lands upon request.

4. Before an application can be granted, it will be necessary for the applicant to post up notices of his application in at least four different conspicuous places on the lands applied for, and also in the nearest post office thereto, for thirty days, and make a statutory declaration of having done so at the end of that period. The necessary forms will be supplied by the department. A report shall also be obtained by the department from an Appraiser of Grazing Lands, with a view to ascertaining whether or not the lands applied for, upon examination, are unfit for agricultural purposes.

(5) Should the Appraiser of Grazing Lands on making examination of a tract of land applied for find that owing to conflicting interests in the lands, the granting of a lease to the applicant, or to any other person, would be an injustice to others and that it would be impracticable to make a satisfactory division of the lands affected among the interested persons, such lands, if unfit for agricultural purposes, may be withdrawn from entry or sale, and reserved for public grazing purposes, provided the area is less than three sections.

(6) The lessee shall, within each of the three years from the date of the lease, place upon the tract of land leased not less than one-third of the whole number of stock, owned by him, which is required to be placed upon the leasehold, namely, one head of cattle or five sheep for every thirty acres covered by the lease, and shall during the rest of its term maintain stock thereon owned by him in the proportion of one head of cattle or five sheep for every thirty acres of land leased. If upon inspection by an Appraiser of Grazing Lands it is found that the leasehold will support more stock than the number stated herein, the Minister of the Interior may require the lessee to place additional stock on the leasehold. The lessee must not graze stock other than his own on the leasehold.

The word "Cattle" means bulls, oxen, cows and horses at least one year old.

(7) It is required that at least twenty-five per cent of the stock maintained on any leasehold shall be breeding stock.

(8) The lessee shall, within one year from the date of execution of the lease on behalf of the department, furnish a statutory declaration showing that he is the owner of and has the required number of stock on the leasehold, and non-compliance with this requirement shall render his lease subject to summary cancellation. The lessee will be required, thereafter, to furnish a sworn return to the department on the 1st of July, in each year, and at such other times as the department may decide, showing the number of head of stock on the leasehold.

(9) The lessee shall pay an annual rental at the rate of 2 cents per acre for every acre covered by the lease, payable half-yearly in advance.

(10) Upon the expiration of the term of the lease, should the Minister of the Interior decide to re-lease the lands covered, the former holder of the lease shall have the prior right to a renewal lease on complying with the regulations in force at that time.

(11) A lease, whether granted under these or prior regulations, cannot be assigned without the consent of the minister. A lessee desiring to assign his lease must pay all outstanding rental and furnish the department with a properly executed, unconditional assignment of the lease, a registration fee of \$3 and evidence from the proper official of the Provincial Government that all provincial taxes on the lands covered by the assignment have been paid. If the assignee is an individual a statutory declaration from him that he is a British subject must be furnished, while if the assignee is an incorporated company a statutory declaration from the president, secretary or manager that the company is incorporated under the laws of the Dominion of Canada or under the laws of a province of the Dominion and that the president, vice-president and a majority of the directors of the company are British subjects, must be furnished. In no case shall an assignment be allowed unless the lessee has complied with clauses (6) and (8) of these regulations by placing upon the leasehold not less than one-third of the whole number of stock, which is required to be placed thereon and has furnished a statutory declaration showing that he has done so, and that the said stock was owned by him, but this condition shall not be applicable to leases granted under prior regulations and brought under these regulations in accordance with the next following clause.

(12) The holder of a lease acquired under former regulations which has less than five years to run, irrespective of the area contained therein, may relinquish his lease and acquire one under these regulations, on the condition that, upon inspection by an Appraiser of Grazing Lands, the lands affected are found to be unfit for agricultural purposes, and that the lessee is utilizing the leasehold to its full extent for stock-grazing purposes.

(13) Should the Minister of the Interior, at any time during the term of a lease, think it to be in the public interest to withdraw the whole or any portion of the lands included therein, provided such lands are required in connection with any system of irrigation works or for sale under the irrigation system, he may, on giving the lessee three years notice, withdraw such lands or cancel the lease; but any improvements owned by the lessee on the lands so withdrawn may be removed by him or he shall be entitled to compensation therefor, the amount of such compensation to be decided by the Department of the Interior.

(14) If any lease is cancelled or expires and the land is released for grazing purposes other than to the former lessee, the Department of the Interior shall collect from the person acquiring the lease, the value of any ranch buildings, fences, wells or other legitimate improvements required in connection with ranching operations which may be on the lands at the time such lands are re-leased, the said value to be fixed by the department. The amount so collected shall be paid upon application to the former lessee after deducting any amount for which he may be indebted to the Department of the Interior, or to the Provincial Government for taxes. The former lessee shall, however, with the permission of the department, have the option of removing any improvements owned by him, which may be on the leasehold at the time his lease is cancelled or expires.

(15) The lessee of four sections or more may construct buildings and corrals and make other improvements on a half-section of his leasehold, but shall not be deemed to have any vested rights in such land, but in the improvements only. In the event of the department discontinuing the principle of granting grazing leases on Dominion lands the lessee shall have the prior right to purchase the half-section on which his improvements are located at a price, to be fixed by the Minister, of not less than \$5 per acre.

(16) The lessee shall be entitled to the hay on his leasehold, but shall not be permitted to sell or barter the same.

(17) The frontage of a leasehold on a lake, river or creek, shall not exceed one mile for every four miles in depth, except in cases where upon inspection it is found that the granting of such a leasehold would not be detrimental to the interests of other ranchers or settlers in the district.

(18) The lessee may cultivate any portion of his leasehold for the purpose of growing winter feed for his stock, but shall not have the right to dispose of any such feed by barter or sale.

(19) Leases shall be issued subject to the right of the province to take for road purposes, without compensation to the lessee, such land as may be required, not exceeding two and one-half per centum of the total area (in the Peace River Tract in the province of British Columbia the area to be taken shall not exceed 5 per centum of the total area), provided the value of any improvements found on the land so required for road purposes shall be paid for by the said province, the said value to be fixed by the Minister of the Interior.

(20) The lease shall be in such form and shall contain such provisions, not inconsistent with these regulations, as may be determined by the minister.

(21) The lease shall be subject to cancellation upon the failure of the lessee to fulfil any of the conditions thereof.

(22) An office fee of \$5 will be charged for the issue of a lease.

(23) If a lease has been secured by misrepresentation of any material facts, it may be summarily cancelled.

(24) Any notice, demand or other communication required under these regulations may be validly given and served by the Controller of the Timber and Grazing Lands Branch of the Department of the Interior.

(25) All leases issued under these regulations shall be signed by the minister, or by any officer of the department specially authorized in writing by the minister.

#### COMMUNITY GRAZING

When a tract of land unfit for agricultural purposes, which is compact in form and comprises three sections or more, becomes available for grazing either through the cancellation of a grazing lease or otherwise, the Provincial Government, if considered advisable by the Minister of the Interior, may be given an opportunity to acquire a lease thereof for community grazing purposes, covering a period of ten years, and subject to rental at the rate of not more than 2 cents per acre per annum.

#### INFORMATION

Any information desired regarding questions arising out of these regulations may be obtained from the Controller, Timber and Grazing Lands Branch, Department of the Interior, Ottawa.











